

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, August 23, 2012
REGULAR MEETING
6:30 p.m.

I. **CALL TO ORDER** - The meeting was called to order at 6:30 p.m.

II. **PLEDGE OF ALLEGIANCE** – Commissioner Kramer

III. **ROLL CALL**

PRESENT: Ameri, Brown, Hillgren, Kramer, Myers, Tucker

ABSENT (Excused): Toerge

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Tony Brine, City Traffic Engineer; Melinda Whelan, Assistant Planner; Fern Nueno, Associate Planner

IV. **PUBLIC COMMENTS**

Vice Chair Hillgren invited those interested in addressing the Commission on items not on the agenda, to do so at this time.

Jim Mosher commented on Council action regarding the City Charter update specifically relative to approval of the yearly budget and review of public works projects. He felt it important for the Planning Commission to retain the charge of reviewing these issues as well as others.

There being no others wishing to address the Commission, Vice Chair Hillgren closed the public comment section of the meeting.

V. **REQUEST FOR CONTINUANCES**

Deputy Community Development Director Wisneski addressed a request for continuance of Item No. 2, Bristol Chevron Service Station (PA2012-073). She reported that the applicant has requested that the item be continued to the Planning Commission meeting of September 6, 2012.

Motion made by Commissioner Tucker and seconded by Commissioner Brown, and carried 6 – 0, to continue Item No. 2 until the Planning Commission meeting of September 6, 2012.

AYES: Ameri, Brown, Hillgren, Kramer, Myers and Tucker

NOES: None

ABSTENTIONS: None

ABSENT (Excused): Toerge

VI. **CONSENT ITEMS**

ITEM NO. 1 MINUTES OF JULY 19, 2012

Recommended Action: Approve and file

Commissioner Myers noted changes to the minutes.

Interested parties were invited to address the Commission on this item.

Jim Mosher made minor typographical corrections to the minutes.

There being no others wishing to address the Commission, Vice Chair Hillgren closed public comments for this item.

Motion made by Commissioner Kramer and seconded by Commissioner Tucker, and carried 5 – 1, to approve the Planning Commission meeting minutes of July 19, 2012, as amended.

AYES: Ameri, Brown, Kramer, Myers and Tucker

NOES: None

ABSTENTIONS: Hillgren

ABSENT (Excused): Toerge

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 Bristol Chevron Service Station (PA2012-073)

Site Location: 2121 Bristol Street

The aforementioned item was continued to the Planning Commission meeting of September 6, 2012.

ITEM NO. 3 St. Matthew's Preschool Capacity Increase (PA2012-081)

Site Location: 2300 Ford Road

Associate Planner Fern Nueno presented details of the report noting the applicant is requesting to amend their use permit in order to allow sixteen (16) additional children at the preschool. She addressed location, surrounding properties, existing structures, original approval of the use permit and previous amendment, hours of operation, parking requirements, circulation and student drop-off and pickup, existing conditions, and recommendations.

Commissioner Myer's inquired as to the size requirements for the interior space and licensing requirements regarding the additional number of students. Ms. Nueno deferred to the applicant for a response.

Interested parties were invited to address the Commission on this item.

David Pfeifer, Domus Studio Architecture, reported they were the original architect for the campus and responded to Commissioner Myer's question by noting that the State licensing requirement is 35 square feet per child and the square footage exceeds the requirement.

In response to an inquiry from Commissioner Myers, Mr. Pfeifer reported that restroom facilities are available nearby to accommodate the children. He noted that there are no sinks in the classrooms but that sinks are located nearby.

There being no others wishing to address the Commission, Vice Chair Hillgren closed public comments for this item.

Motion made by Commissioner Tucker and seconded by Commissioner Kramer, and carried 6 – 0, to adopt Resolution No. 1890 approving Conditional Use Permit No. UP2012-013 subject to the conditions of approval included in Exhibit "A" of the draft resolution.

AYES: Ameri, Brown, Hillgren, Kramer, Myers, and Tucker
NOES: None
ABSTENTIONS: None
ABSENT (Excused): Toerge

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 4 MOTION FOR RECONSIDERATION

In response to an inquiry from Commissioner Ameri regarding clarification of the item, Deputy Community Development Director Wisneski reported the item was added to the agenda as a result of the Commission's recent update to the Planning Commission Procedures. She noted that it is similar to what Council does, allowing the Commission to reconsider items that have been heard on the present agenda.

There was no motion for reconsideration.

ITEM NO. 5 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Ms. Wisneski distributed information to invite the Commissioners to the Planning Directors of Orange County Forum to be held in October, 2012, which is being planned by Community Development Director Brandt and will showcase Assistant City Attorney Leonie Mulvihill. In addition, she announced that at its last meeting, Council initiated a Zone Code Amendment to consider that when residential lots are merged, residential development standards will be modified so that there is no net increase of the setback and buildable areas. The item will be presented to the Planning Commission at an upcoming meeting. She reported that a study session for the proposed Telecomm ordinance is scheduled for September 6, 2012, at 5:00 p.m., prior to the regular meeting.

Discussion followed regarding availability of the draft ordinance prior to the study session. Ms. Wisneski reported that a detailed review of the draft telecomm ordinance will not occur at the study session, but rather the objective will be to share with the Commission what has occurred during the stakeholder meetings. She added that language from the ordinance will be shared with the Commission because there have been some changes made and that information will be shared with the Commission prior to the study session.

Assistant City Attorney Mulvihill noted that the issue is complex and that the Commission will be provided with sufficient information on important issues.

Ms. Wisneski announced the promotion of Fern Nueno to Associate Planner.

In response to an inquiry from Commissioner Myers regarding the Bristol Chevron Service Station, Ms. Wisneski affirmed that the item will be presented for consideration at the Planning Commission's meeting of September 6, 2012.

ITEM NO. 6 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT.

None

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES

Commissioner Brown indicated that he has a prior commitment and may be late for the Planning Commission Study Session of September 6, 2012.

IX. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:00 p.m.

The agenda for the Regular Meeting was posted on August 17, 2012, at 9:45 a.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

Michael Toerge, Chairman

Fred Ameri, Secretary

DRAFT

ADDITIONAL
MATERIALS
RECEIVED

To: Planning Commissioners
Subject: Additional Materials Received

Additional Materials Received
Planning Commission September 6, 2012

Item No. 1a: Draft Minutes of August 23, 2012

Item No. 3b: 441 Old Newport Medical Office Building – PA011-056

-----Original message-----

From: Jim Mosher <jimmosher@yahoo.com>
To: "Houston, Rob" <RHouston@newportbeachca.gov>
Sent: Thu, Sep 6, 2012 17:54:55 GMT+00:00
Subject: Written comments on Sept. 5, 2012 evening Planning Commission agenda

To whom it may concern:

Regarding the posted packet for the Planning Commission's September 5, 2012 regular evening agenda I have the following observations regarding the two items I've reviewed.

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Item 1 ("Minutes of August 23, 2012") --

On page 3, in the first full paragraph under "ITEM NO. 5 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT":

1. I suspect "a Zone Code Amendment" was meant read "a ZONING Code Amendment"
2. In "the proposed Telecomm ordinance" I believe the customary spelling is "Telecom" with a single "m" as used in the staff report for the afternoon Study Session.

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Item 3 ("441 Old Newport Medical Office Building (PA2011-056)") --

Comment 1: On page 3 of PC 4, the "Reciprocal Parking Easement Agreement" (p. 29 of the 41 page PDF), the final two lines of Condition 2 appear to say Ocean View Medical Investors is being given the right to park ONLY in the "rear portion" of the Soffer property, which appears to be the currently unpaved area designated on Exhibit C (p. 35 of the staff report). This differs from the plan shown on the last page of the report (p. 41) which also shows 5 cars parallel parked in the paved front area of the Soffer property (that the aerial photo on p. 2 seems to show currently striped for 5 or 6 diagonal spaces).

Comment 2: If the aerial photo is correct and if the vacant restaurant were to reopen in its current configuration, then under the plans shown in the staff report there would appear to be NO paved parking spaces available for the restaurant use during the hours when the proposed medical office is operating at full capacity.